



## New Jersey Department of Children and Families Policy Manual

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### School and Community Agencies

2-14-2011

Continuity and Stability in Education -- In accordance with the Fostering Connections to Success and Increasing Adoptions Act (FCSIAA) of 2008 (Federal legislation), and pursuant to N.J.S.A. 30:4C-26b, enacted September 9, 2010, CP&P facilitates efforts to continue the child in his or her current educational setting at the time of placement. CP&P coordinates with local school districts to ensure that the child remains in the school in which the child is enrolled at the time of placement (i.e., the parent's school district), or, if remaining in the pre-placement school is not in the child's best interest, provides immediate and appropriate enrollment in a new school. See [CP&P-VII-A-1-100](#), the section entitled Educational Stability, for determining best interest of the child in these matters and see below regarding specific information on educational stability in the life of a child in an out-of-home placement setting.

Thus, children in out-of-home placement are to be maintained in their pre-placement school (i.e., the parent's school district), whenever possible. However, if school transfer is necessary, to serve the child's best interest, the child may be enrolled immediately in the resource home school district (but no later than 72 hours from the school placement decision). The child remains registered in the school district where the parent resides.

If the parent relocates while the child is in resource family care, CP&P encourages the parent to register the child in the school district in which the parent now lives. If this is not possible, or if the parent refuses to register the child, the assigned Worker completes CP&P Form [25-65](#), Department of Education School District Determination, and submits it to the Department of Education for a determination.

"The Division representative [assigned Worker] shall ensure that the child is enrolled in school, if age appropriate. If necessary, upon a determination by CP&P that the child cannot continue in the pre-placement school, based on the child's best interest, the

Division representative shall give the out-of-home placement provider authorization to enroll the child in school. (N.J.A.C. 10:122D-2.6(f)1)

The Division representative shall provide the out-of-home placement provider with the child's education record at the time of initial placement. (N.J.A.C. 10:122D-2.6(c))”

Immunizations -- If school transfer is necessary, evidence of the child's immunizations is required before the child will be permitted to attend school. If the parent does not have written immunization records, obtain the records from the current school, or the NJ Immunization Information Registry.

Notify Community Agencies -- When the child is being placed in out-of-home placement, the Worker notifies all community agencies involved with the child and arranges any appropriate transfers. Community agencies providing services to the child and his or her family of origin, including the school and school district, are asked to participate to the extent appropriate to the case in the development of the case plan, preferably at a Family Team Meeting. Establish mechanisms to assure ongoing communication among all parties; indicate these arrangements in the written case plan for the child.

All school personnel are expected to exercise standard sanitation/hygiene universal precautions against potential transmission of infectious/contagious conditions. Therefore, a student with HIV infection should not pose a risk to anyone who is not informed of the child's HIV status.

When a child has HIV infection, a determination of the school's need to know should be made in conjunction with medical personnel involved in the management of the child's medical needs. Document such consultation in the record; complete a Contact Activity Note in NJS. In these situations, disclosure should be to specific school medical personnel, such as the school nurse, only as it relates to the medical care/treatment of the child, and only when the Division has guardianship or a written consent from the parent, or a court order specifically authorizing the release of HIV information. Legal custody by CP&P does not authorize the agency to share such information with school personnel.

Physician's Role -- The Worker, Supervisor, or LO Manager requests that the physician responsible for the medical management of the child makes the disclosure to the specified school medical personnel. The Worker documents this request in the electronic case record; completes a Contact Activity Note in NJS. If disclosure is made to any school personnel, they cannot further share the information with other staff in accordance with the law without written consent from the parent or legal guardian, or a court order specifically authorizing release of HIV information. See [CP&P-IX-G-1-100](#), section entitled Disclosure of HIV Information, regarding written informed consent from

the child's parent or guardian before any information is disclosed about the child's HIV status.

## **Educational Stability in the Life of a Child**

**2-14-2011**

CP&P strives to provide continuity and stability for all children placed out-of-home. Workers are tasked with facilitating positive relationships in the lives of child, including those placed with a relative or kin in a resource family home. These relationships help children maintain a vital link and connection to their families and communities. For school-aged children, social interactions with classmates, peers, and school staff help build educational stability and play an integral role in their daily lives and overall well-being. See [CP&P-VII-A-1-100](#) for determining the best interest of the child.

CP&P has designated staff, identified as Education Liaisons, assigned to each Local Office and Area Office, whose primary responsibility is to assist Workers of school-aged children in out-of-home placement address each child's education-related needs. These include: school registration and enrollment; school placement; education planning; transportation arrangements to and from school; and various educational support services. Education Liaisons also serve as consultants to Local Office staff regarding education law and CP&P policies and procedures regarding Educational Stability. Finally, Education Liaisons are tasked with fostering collaboration between CP&P, the Department of Education, and local school districts.

## **Federal Requirements**

**10-27-2014**

The Fostering Connections to Success and Increasing Adoptions Act (FCSIAA) of 2008 stipulates that any school-aged child receiving foster care, adoption, or KLG payment, must be enrolled full-time in an elementary or secondary school, or have completed secondary school (unless medically incapable). To promote school continuity, child welfare agencies are required to consider school issues (proximity to child's current school, child's fit with educational setting, etc.) when making school placement decisions. Officials must keep children in their current schools, unless it is not in a child's best interest.

Pursuant to the Title IV-E Plan Amendment - The Child and Family Services Improvement and Innovation Act (Public Law (Pub. L.) 112-34), an educational stability case plan is required at each placement change, not just at the initial placement into out-of-home care.

January 2013, the Family Education Rights and Privacy Act (FERPA) under the Uninterrupted Scholars Act (USA), was amended to allow schools to release the education records of children in foster care to child welfare agencies, without parental

consent. This amendment also eliminates the requirement for educational agencies to notify parents prior to the release of education records to a child welfare agency.

### **Educational Stability in New Jersey**

**2-14-2011**

Pursuant to N.J.S.A. 30:4C-26b, enacted September 9, 2010: A child placed in a resource family home should always remain in the pre-placement school he/she attended while CP&P considers which educational placement is in the child's best interest. This also applies when a child moves from one resource home to another.

Although the State statute primarily addresses the education needs of children placed in resource family care, CP&P considers the best interest of children placed in other types of substitute care as well. If remaining in the home school is in the best interest of the child, the Worker and Educational Liaison seek to obtain the school's agreement to allow the child to remain in his or her pre-placement school.

### **Best Interest Factors and Determination**

**2-14-2011**

CP&P must make a best interest determination within five (5) business days of the child's placement in a resource family home. CP&P must make reasonable efforts to consult with:

- The parent or legal guardian of the child
- The child
- The child's Law Guardian
- A representative from the child's pre-placement school
- A representative from the resource family home school district

In accordance with N.J.S.A. 30:4C-26b, the best interest factors considered include (but are not limited to) the following:

- Safety considerations
- Child's permanency goal and likelihood of reunification
- Needs of the child including social adjustment and well-being
- Child's special education programming

- Child's performance, continuity of education, and engagement in present school
- The distance of the resource family home to the child's present school
- Age and grade level of the child as it relates to other factors
- Child's preference
- The point of time in the school year
- Anticipated duration of current placement

**Exception: Immediate Change in School Placement      2-14-2011**

When it is not in the best interest of the child to remain enrolled in his or her current school in consideration of the best interest factors and a significant and immediate detriment exists (e.g., extraordinary distance), the child shall be immediately enrolled in the school where the resource family home is located.

CP&P has two (2) business days from the date of enrollment to notify the parent (or legal guardian) and Law Guardian of the change in school placement. Notice must include the basis for the school placement decision and the name of the new school district, unless revealing the location of the school district presents a credible safety concern. Once the change in school placement is made via this exception, the decision is final. The Worker and Supervisor complete and send CP&P Form [5-73](#), Educational Stability Parent Notification - Exception.

CP&P will also provide notice to the appropriate schools of the exception decision, utilizing CP&P Form [5-72](#), Educational Stability School District Notification.

**Notification to the Parent, Law Guardian, and Appropriate School Districts  
2-14-2011**

If CP&P determines the child will remain in the same school he/she was attending prior to placement, the decision is conclusive. CP&P provides immediate written notification to the parent or legal guardian, and the Law Guardian of the decision. Workers use CP&P Form [5-71](#), Educational Stability Parent Notification, which includes the basis for the decision.

However, if CP&P determines it is in the child's best interest to transfer from the pre-placement school to the resource home district, CP&P makes immediate written notification to the parent or legal guardian and the Law Guardian using CP&P Form [5-71](#), Educational Stability Parent Notification. The basis for the decision, the right to file

an application of appeal with the Family Court, and the date by which the application must be made must be stated in this notification.

If CP&P determines it is in the child's best interest to transfer from the pre-placement school to the resource home district, and the parent or legal guardian and the Law Guardian agree, CP&P must either obtain their written confirmation or wait five (5) days from the date the notice is sent, before enrolling the child in the new school.

Written confirmation is documented by the parent or legal guardian and the Law Guardian signing CP&P Form [5-75](#), Agreement of Parent/Legal Guardian and Law Guardian to Change in School Placement. By signing the agreement, the parent and Law Guardian waive their right to file an application of appeal. Alternatively, if, despite CP&P efforts, no agreement is signed after the fifth (5th) day following notification, and the parent or legal guardian and the Law Guardian do not file an application of appeal, the child may be enrolled in the resource home school district.

CP&P also notifies the appropriate school district(s) and informs them of the school placement decision. If the parent or Law Guardian, files an application of appeal with the court, the Worker completes CP&P Form [5-72](#), Educational Stability School District Notification, to inform the school(s) that CP&P will continue to provide and fund transportation until the court makes a final determination.

### **Parent/Legal Guardian or Law Guardian Challenges Decision to Change School Placement**

**2-14-2011**

When the parent or legal guardian, or the Law Guardian disagrees with the decision to change the child's school placement, he/she may file an application of appeal to the Family Court. Application to the court must be made within five (5) business days of the date of the CP&P best interest notification (CP&P Form [5-71](#), Educational Stability Parent Notification). The parent or Law Guardian (whoever files the application) must also notify CP&P Local Office staff within the five (5) business days that he or she filed an application with the Family Court. While awaiting the judicial decision, the child will continue to attend the pre-placement school; CP&P is responsible for transporting the child from the resource family home to the pre-placement school.

Once the Family Court decision is made, the Worker sends notification to the district of residence utilizing CP&P Form [5-73](#), Educational Stability School District Notification, advising them of their obligation to assume transportation responsibilities in five (5) school days from the date of notice.

### **Transportation During Decision Making**

**2-14-2011**

The CP&P Local Office is responsible for coordinating (or providing, if necessary) and funding the child's transportation to and from school while the determination is being made as to which school placement is in the child's best interest. The Local Office remains responsible for transportation coordination and associated costs for five (5) school days after CP&P notifies the school district of residence (the parent's district) of the school placement decision (CP&P Form [5-72](#), Educational Stability School District Notification).

The district of residence (the pre-placement school district) is responsible for arranging and funding the child's transportation, beginning on the sixth (6th) school day after notification by CP&P of the best interest determination. If the parent or Law Guardian appeals the decision, the district of residence also becomes responsible for transportation on the sixth (6th) school day after CP&P notifies the school district of the school placement decision rendered by the court.

Since CP&P is responsible for transportation for a period of time, the Worker or Supervisor will consider all local resources for transportation from the resource family home to the pre-placement school, including asking the resource family parent if he or she is willing and able to assist with temporarily providing transportation. Resource family parents are not required to provide transportation to and from the pre-placement school. Resource family parents may be reimbursed for mileage at the current reimbursement rate. See [CP&P-IX-F-1-700](#), section entitled Reimbursement.

If the resource family parent or Local Office staff are unavailable to transport, the CP&P Education Liaison has primary responsibility for seeking cooperation of the child's district of residence (pre-placement school district) in arranging round trip transportation from the resource family home to the pre-placement school. This allows for a seamless transition and avoids any interruption of transportation once responsibility shifts from CP&P to the parent's district of residence.

After removal, but not later than the notification of the best interest determination, the Education Liaison (or any other person designated by the Local Office Manager), will contact the district of residence (pre-placement school district) Transportation Coordinator, or the School District's Business Administrator to request they make arrangements with their district's transportation provider. The Education Liaison informs the school district staff of DCF's policy to reimburse them for transportation costs until the district of residence becomes financially responsible, five (5) school days after CP&P provides notification of the best interest determination. The Education Liaison will request a per diem transport rate from the Transportation Coordinator, School District Business Administrator, or school representative.



If the pre-placement school district agrees to arrange transportation, the Worker completes the Special Approval Request (SAR), CP&P Form [16-76](#), and submits it to the Local Office Manager for approval. Once approved, the Worker sends a letter, with a copy, to the DCF Area Business Office and the pre-placement school district confirming the following:

- The transportation agreement (the Education Liaison shall compose this)
- The rate DCF will reimburse the school district
- CP&P Form [K-100](#), The Client Service Invoice, and instructions for its completion

The DCF Area Business Office will add the school district to NJ SPIRIT and update it as an unlicensed/uncontracted resource with an agreed per diem rate. The subservice is coded "Educational Stability Transportation."

If the Education Liaison is unable to coordinate transportation through the pre-placement school district, he or she may contact the DCF Area Business Office for assistance.

### **Transportation Funding When Parent Relocates**

**2-14-2011**

If a parent relocates after a child has been placed in resource home care, funding for the child's schooling is paid by the district where the parent/guardian resides, regardless of whether the child attended a school in that district. The parent must register the child in the school district where the parent resides.

If determining district of residence becomes problematic, contact the DCF Office of Education to complete a district of residence determination. Workers use CP&P Form [25-65](#), Department of Education School District Determination. Workers should also use CP&P Form [25-65](#) for educational planning for all children under CP&P guardianship. Once a determination is made, the district of residence assumes transportation responsibilities.

### **Transportation Arrangements When No Application to the Family Court is Filed**

**2-14-2011**

If the parent or legal guardian, or the Law Guardian does not file an application of appeal with the Family Court within five (5) business days from the date of the notification of the school placement decision, (CP&P Form [5-71](#), Educational Stability Parent Notification), the CP&P decision becomes final and the child may attend the resource parent's school district. The Local Office or resource parent may immediately enroll the child in the resource parent's school district.



When in-district transportation is available and needed for the child, it is the Local Office's responsibility to provide transportation for five (5) school days or until the child is added to the resource family home school district's bus route.

**Transportation Arrangements When an Application to the Family Court Is Filed  
2-14-2011**

If the parent or legal guardian, or the Law Guardian files an application of appeal with the Family Court, CP&P continues to be responsible for coordinating, providing, and funding transportation for the child to and from school until the court makes a ruling. Pursuant to N.J.S.A. 30:4C-26b enacted September 9, 2010, there is no time constraint for the Judge to make a ruling; however, the court must provide a decision in an expedited manner. The Education Liaison continues to work with the pre-placement school district to coordinate transportation until the court renders a decision.